

**Town of Sunset Beach  
Monthly Council  
Work Session, Public Hearings and Regular Meeting  
September 6, 2016**

**MINUTES**

**Members Present:** Mayor Pro-Tem Carol Scott, Councilman Peter Larkin, Councilman Mark Benton and Councilman Rich Cerrato

**Members absent:** Mayor and Council Member Vacancies (Mayor Ron Watts resigned effective August 16, 2016 and Councilman Lou DeVita resigned effective August 31, 2016.)

**Attorney & Staff Present:** Susan Parker, Town Administrator; Bonnie Schwerd, Assistant Town Administrator; Dustin Graham, Public Works Director; Kevin Dempsey, Fire Chief; Richard Childres, Assistant Fire Chief; Joe Smith, Assistant Police Chief; and Lisa Anglin, Town Clerk

Mayor Pro-Tem Scott called the Meeting to order at 6:00 pm.

**Closed Session**

COUNCILMAN CERRATO MADE A MOTION TO GO INTO CLOSED SESSION TO CONSULT WITH THE TOWN ATTORNEY CONCERNING RIVERSIDE DRIVE, PALM COVE AND THE PENDING LITIGATIONS CONCERNING JAGUAR’S LAIR AND THE PROPERTY LOCATED ON THE WEST END OF THE ISLAND. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR PRO-TEM SCOTT CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

COUNCILMAN LARKIN MADE A MOTION TO RETURN TO OPEN SESSION AND RECONVENE MEETING. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR PRO-TEM SCOTT CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

During Closed Session, the Council received legal advice concerning Riverside Drive and Palm Cove, and received a legal update concerning the pending litigations with the developers of Jaguar’s Lair and the property located at the west end of the island.

**Work Session**

The Work Session convened at 6:45 pm. Mayor Pro-Tem Scott called for agenda amendments and general discussions by the Council.

**Draft Agenda Review**

The Council reviewed the agenda and made the following amendment:

- Added Discussion Concerning Pine Straw Regulations

### **General Council Discussions**

Councilman Cerrato congratulated Jan Harris for receiving her second Pelican Award and thanked her for her volunteer time with the Town and other environmental organizations. Councilman Cerrato questioned if the cabana companies and rental companies have been invited to the Summer Recap meeting; Staff advised yes. Councilman Cerrato questioned why the oyster survey was not being performed in Jinks Creek; Staff advised that Mr. Neil, Consultant, would attend the September 20<sup>th</sup> meeting to discuss the oyster survey. Councilman Cerrato requested that a Councilmember be allowed to attend the FEMA CAV Meeting to observe, Staff will determine if this is allowable by FEMA.

Councilman Larkin advised of a Renewal Energy Program webinar scheduled for September 8<sup>th</sup>. Councilman Larkin advised that BOEM is requesting applications for leases and a public comment period is open. Councilman Larkin requested Council to consider sending a letter and resolution restating the Town position, the Council agreed. Both the letter and resolution will be added to the September 20<sup>th</sup> agenda for consideration.

Councilman Benton announced that the Island Clean-Up Day is scheduled for Saturday, September 17<sup>th</sup> at 9:00 am.

### **Monthly Meeting**

The Meeting convened at 7:00 pm and the Pledge of Allegiance was recited by those in attendance.

### **Approval of the Draft Agenda**

COUNCILMAN BENTON MADE A MOTION TO APPROVE THE AGENDA AS AMENDED. COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR PRO-TEM SCOTT CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

### **Acceptance of Resignation of Councilman Lou DeVita**

The Council thanked Councilman Lou DeVita for his years of service to the Town.

COUNCILMAN CERRATO MADE A MOTION TO ACCEPT THE RESIGNATION OF COUNCILMAN LOU DEVITA. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR PRO-TEM SCOTT CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

### **Public Comments on Agenda Items Only**

John Corbett 1313 Canal Drive – Offered the Council five (5) factors to consider for the candidates for appointment as Councilmember including: (1) Be an independent, objective thinker, (2) Be knowledgeable about Sunset Beach issues, (3) Be aware of the demographics, economics and community aspirations, (4) Be active in and accessible to the community, (5) Be a positive representative.

Dave Eastburn 424 32<sup>nd</sup> Street – Voiced concerns with the proposed Council Rules of Procedures; voiced opposition to the Councilmembers performing private interviews with the Candidates; suggested the nomination/ballot method be used when making the appointment.

Charles Nern 647 Oyster Bay Drive – Stated that a lot of the candidates that have applied for the Mayor position do not regularly attend Council meeting, encouraged the Council to appoint someone who knows Town issues and recommended John Corbett be appointed as Mayor; voiced opposition to private candidate interviews.

**Minutes for Approval Consideration**

COUNCILMAN CERRATO MADE A MOTION TO APPROVE THE JUNE 2, 2016 SPECIAL MEETING MINUTES, AND THE JUNE 6, 2016, JUNE 21, 2016, JUNE 27, 2016, JULY 19, 2016 AND AUGUST 1, 2016 REGULAR MEETING MINUTES AS PRESENTED. COUNCILMAN LARKIN SECONDED THE MOTION. MAYOR PRO-TEM SCOTT CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

**Board Reports**

**ABC Board Update – Chairman Herb Tinger**

Chairman Herb Tinger provided the Council with an ABC Store financial overview and advised that the store continues to contribute to the Underage Drinking Program for area Middle Schools. Tinger announced that Bob Bobinski has decided not to seek re-appointment in October and thanked Mr. Bobinski for his years of service. The Council has requested the State ABC Commission allow the ABC Board membership to be reduced from 5 to 3 members and are awaiting their decision.

**Planning Board – Chairman Tom Vincenz**

Chairman Tom Vincenz provided an update of Planning Board activities and projects underway including the 2016 Land Use Plan, Gateway Corridor Overlay District, various subdivision plat reviews and consideration of numerous UDO text amendments submitted by citizens, staff and Council.

**Town Administrator Report**

**Main Street Sidewalks Project** – Susan Parker, Town Administrator, advised that the sidewalk project cost is approximately \$385,000 which includes engineering, soil tests, permitting, removal of existing non-ADA compliant sidewalk materials and constructing of ADA compliant sidewalk stretching the length of East and West Main Street. The Council agreed to add the Sidewalk Project to the list to be considered during the 2017/2018 Budget process.

**Building Inspector** – Parker advised that Carey White, Level 3 Inspector, started work with the Town today.

**FEMA CAV Meeting** – Parker advised that FEMA Representatives will be visiting on September 21<sup>st</sup> to perform a review of our files including site visits. Parker will determine if a Councilmember observing the meeting is allowable by FEMA.

**Oyster Survey** – Parker advised that Mr. Neil, Consultant, will be present for the September 20<sup>th</sup> meeting to discuss the Oyster Survey with Council.

**2015/2016 Audit** – Parker advised that the Auditors will be onsite September 21<sup>st</sup> and 22<sup>nd</sup> reviewing the financial records of the Town.

**Departmental Reports**

**Police** – Assistant Chief Smith advised that the person committing the break-ins in the Seaside area that was reported last month has been caught and is in jail.

**Public Works** – Dustin Graham, Public Works Director, advised that BEMC will be changing the street light poles located on the Causeway to LED lighting which will provide less lighting than is current being provided. Graham advised that BEMC has offered to install an additional pole to reach the current lighting output. The Council reached a consensus to delay adding an additional pole.

**Departmental Reports (Cont.)**

Planning & Inspections – Richard Hathcock, GIS/Planner, advised that the number of building permits issued has increased but the fees collected are less due to the cost and size of the projects being permitted now in comparison to last year.

Fire – Chief Dempsey announced that the Department Staff will be performing routine hydrant maintenance throughout Town including flushing the lines and painting.

Finance – Bonnie Schwerd reviewed the July Financial Report with the Council, advised that Staff has been preparing for the Auditors visit scheduled for September 21<sup>st</sup> and 22<sup>nd</sup>, advised that the Town Facebook page has been created, advised that Special Event Applications for events in the Park are increasing and that the Town Beach Clean-up is scheduled for September 17<sup>th</sup> from 9:00 am – 11:30 am.

**Old Business**

**Consideration of Adoption of the Rules of Procedures**

The Council reviewed the final draft of the proposed Council Rules of Procedures and agreed to add to the September 20<sup>th</sup> agenda for consideration.

**Consideration of Appointment for Environmental Resource Committee Member**

Council announced that three (3) candidates applied, two (2) candidates have marine and biology backgrounds; the third candidate has management skills but no environmental experience.

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPOINT NEIL GILBERT. COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR PRO-TEM SCOTT CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPOINT TAYLOR BURKETT. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR PRO-TEM SCOTT CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

COUNCILMAN BENTON MADE A MOTION TO APPOINT KATIE BORDEAUX. COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR PRO-TEM SCOTT CALLED FOR A VOTE. COUNCILMAN CERRATO AND COUNCILMAN BENTON VOTED YES. COUNCILMAN LARKIN AND MAYOR PRO-TEM SCOTT VOTED NO. THE MOTION FAILED DUE TO A TIE VOTE. (Mayoral seat vacant so tie-breaker vote unable to be made.)

The Council requested the remaining ERC vacancy be advertised.

Councilman Cerrato advised that the ERC will hold its first meeting tomorrow at 10:00 am at which they will be making a dredging presentation. Councilman Cerrato suggested an ERC member be appointed to the TRC. Mayor Pro-Tem Scott and Councilman Larkin objected, stating that the ERC was established solely as an advisory committee to the Council. The Council agreed that the ERC can make a presentation to the Council in November, after the new members have been given an opportunity to add input and the Community Meeting has been held.

**Old Business (Cont.)**

**Consideration of Appointment of two (2) Planning Board Members**

Council announced that three (3) candidates applied, two (2) candidates have experience; the third candidate has management skills but no planning and zoning experience.

COUNCILMAN LARKIN MADE A MOTION TO APPOINT TOM VINCENZ AND NOELLE KEHRBERG. COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR PRO-TEM SCOTT CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

**Determine Location for October 8, 2016 Community Meeting**

Staff recommends holding the October 8, 2016 Community Meeting at the Sea Trail Plantation Jones/Byrd Clubhouse. The Council agreed. Councilman Cerrato stated that the ERC needs to make its presentation during the Community Meeting. Richard Hilderman, Committee member requested the ERC presentation be made after the Community Meeting.

**Mayor and Council Member Replacement Procedure Discussion**

Council members Larkin, Benton and Scott requested the Clerk to schedule the private interviews for September 12<sup>th</sup>. Councilman Cerrato voiced opposition to the private interviews and advised that he would not participate. Councilman Cerrato stated the process should be conducted totally in public with the candidates making a presentation and answering questions from both the Council and the public. After a brief discussion, the majority of Council agreed to host a Candidates Forum on Monday, September 19<sup>th</sup> at 6:00 pm for the Candidates to make a presentation and answer questions. Council requested the Clerk to schedule the private interviews for either September 12<sup>th</sup> or 19<sup>th</sup>. The Council requested the appointment consideration be added to the September 20<sup>th</sup> Meeting Agenda.

**Discussion Concerning Council Chambers Audio/Video Upgrades**

Councilman Benton advised that a meeting is being held this week concerning the installation of the audio and video upgrades in the Council Chambers and Conference Room. Mayor Pro-Tem Scott questioned the estimated timeline of when the audio and video upgrades would be finalized. Councilman Benton will report at the September 20<sup>th</sup> Meeting.

**Sunset at Sunset Town Booth Discussion**

Councilman Cerrato voiced opposition to elected officials manning the Sunset at Sunset Booth citing political reasons. Councilman Cerrato stated that only Town Staff should man the booth.

MAYOR PRO-TEM SCOTT MADE A MOTION FOR THE TOWN TO HAVE A BOOTH AT SUNSET AT SUNSET AND FOR THE BOOTH TO BE MANNED BY ELECTED OFFICIALS AND STAFF. COUNCILMAN LARKIN SECONDED THE MOTION. MAYOR PRO-TEM SCOTT CALLED FOR A VOTE. MAYOR PRO-TEM SCOTT, COUNCILMAN LARKIN AND COUNCILMAN BENTON VOTED YES. COUNCILMAN CERRATO VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

**New Business**

**Consideration of Acceptance of the Planning Board Recommendation To Amend Article 6 Section 604 to remove Private Community Centers as a Permitted Use with Supplemental Regulations and Article 7 Section 7.11 to remove the Exception for Private Community Centers and to Schedule a Public Hearing for October 3, 2016**

**New Business (Cont.)**

COUNCILMAN BENTON MADE A MOTION TO ACCEPT THE PLANNING BOARD RECOMMENDATION TO AMEND ARTICLE 6 SECTION 6.04 TABLE OF PERMITTED USES TO REMOVE PRIVATE COMMUNITY CENTERS FROM THE BB1 ZONING DISTRICT AND TO AMEND ARTICLE 7 SECTION 7.11 SUPPLEMENTAL REGULATIONS TO REMOVE THE EXCEPTION FOR PRIVATE COMMUNITY CENTERS AND TO SCHEDULE A PUBLIC HEARING FOR OCTOBER 3, 2016 AT 7:00 PM. COUNCILMAN LARKIN SECONDED THE MOTION. MAYOR PRO-TEM SCOTT CALLED FOR A VOTE AND THE MOTION CARRIED BY 4 – 0 VOTE.

Consideration of Acceptance of the Planning Board Recommendation to Amend Article 6 Section 604 to Allow Privacy Fences for Subdivisions and to Amend Article 7 Section 7.09 to add the Supplemental Regulations and Schedule a Public Hearing for Monday, October 3, 2016 at 7:00 pm

The Council reached a consensus to reject the recommendation concerning privacy fences and returned the proposed amendment to the Planning Board for further review.

Consideration of Acceptance of the Planning Board Recommendation to Repeal and Replace Article 2 Section 2.18 Filling, Grading, Excavation and to Schedule a Public Hearing for Monday, October 3, 2016 at 7:00 pm

The Council voiced concerns with the proposed repeal and replacement of Article 2 Section 2.18 Filling, Grading and Excavation and rejected the recommendation. The Council returned the proposed amendment to the Planning Board for further review by the Board and Attorney Richardson.

Consideration of Approval of ABC Board Letter Concerning Travel Policy

COUNCILMAN CERRATO MADE A MOTION TO APPROVE THE ABC BOARD LETTER CONCERNING THE TRAVEL POLICY. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR PRO-TEM SCOTT CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

Consideration of Awarding Street Resurfacing Contract

Dustin Graham advised that the road conditions were evaluated to finalize the 2016/2017 Resurfacing priorities. The project includes: Live Oak Drive (From Station Trail to Circle Drive) and Dogwood Drive (Live Oak Drive to Live Oak Drive). The formal bid process was followed and the Project was properly advertised. Two (2) bids were received, Barnhill Contracting Company totaling \$168,988.75 and Highland Paving Company totaling \$159,500. Staff recommends awarding the 2016 Street Resurfacing Project to Highland Paving Company \$159,500.00.

COUNCILMAN LARKIN MADE A MOTION TO AWARD THE STREET RESURFACING CONTRCT TO HIGHLAND PAVING COMPANY FOR \$159,500. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR PRO-TEM SCOTT CALLED FOR A VOTE AND THE MOTION CARRIED BY 4 – 0 VOTE.

Councilman Cerrato requested a Discussion Concerning Paving Cobia Street be added to an upcoming agenda. Susan Parker explained the formal process, outlined in Ordinance, for residents to request Council consideration of paving a road.



**New Business (Cont.)**

Consideration of Adoption of Resolution for Surplus Vehicles and Equipment

MAYOR PRO-TEM SCOTT MADE A MOTION TO ADOPT THE RESOLUTION FOR THE SALE OF SURPLUS VEHICLES AND EQUIPMENT. COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR PRO-TEM SCOTT CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

Consideration of Permit Fee Refund for 407 27<sup>th</sup> St. Units A – D

Susan Parker advised that the permit fees for 407 27<sup>th</sup> St. Units A – D were paid totaling \$7,981.44 but due to illness the developer is unable to build and has requested a refund.

COUNCILMAN LARKIN MADE A MOTION TO GRANT THE REFUND TOTALING \$7,981.44. COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR PRO-TEM SCOTT CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

Discussion Concerning Pine Straw Regulations

Chief Dempsey advised that research has discovered that Regulations banning the use of Pine Straw are only for multi-family homes. After a brief discussion, the Council requested Chief Dempsey to work with the Planning Board to develop regulations for banning Pine Straw use for multi-family and single family homes.

**Public Comments**

Charles Nern 647 Oyster Bay Drive – Agreed that the process for appointing a Councilmember should be performed in public, advised that he has observed Staff preparing for Hurricane Matthew and they are doing an excellent job; advised that Susan Parker is a great Town Administrator, complemented her leadership abilities and stated that she will even respond to emails on Sunday; commented that the Park is a great asset and the landscaping around town looks great, thanked the Staff for healing the Christmas trees and encouraged the Council to promote the Town in a positive manner.

Carol Santavicca 9109 Forest Drive – Encouraged the Council to consider an exception to allow communities within Town limits to have a community center on the island.

Ted Janes property owner on 37<sup>th</sup> Street and North Shore Drive – Made comments concerning Palm Cove, declining occupancy rentals and long term renters leaving because of beach overcrowding, advised that at high tide no room on the strand exists; congratulated the Council for creating of the ERC.

Jim Skiff 413 33<sup>rd</sup> Street – Commented that vehicles parking along West Main Street are encroaching on the bike lane making it unusable; commented concerning dirt and rock run-off from the abutting lots onto the bike lane and roadway creating a hazard; thanked Staff for website e-alerts.

Katie Hovermale 1429 Bay Street – Encouraged the Council to work together to fill the vacancies with the best qualified persons and advised that a strong Mayor who can be calm in all situations, immune to comments and criticisms, and manage and lead the Council is needed.

Dave Eastburn 424 32<sup>nd</sup> Street – Advised that the Council has a legal obligation to fill the vacancies and that the School of Government recommends the nomination/ballot method be used instead of the motion/vote method.

**Public Comments (Cont.)**

Karen Joseph 915 Sandpiper Bay Drive – Thanked the Sunset at Sunset Committee Members, stated that numerous people visit the Town Booth for information and answers to questions; encouraged everyone to attend the Sunset at Sunset event scheduled for October 1, 2016.

Victoria Skiff 414 33<sup>rd</sup> Street – Questioned since the Kingfish Community Center will be grandfathered in if the ordinance removing community centers from BB1 is approved who will be required to maintain the structure if the community goes into bankruptcy; agreed that vehicles encroaching into the bike lane on Main Street is an issue.

Anita August 279 Heather Drive – Voiced appreciation for the procedures outlined to select the Mayor and Council member; provided information concerning her background and involvement within the Town and community organizations.

**Review upcoming Agenda Items and Identify New Agenda Items for September 20, 2016 Meeting**

The Council reviewed the Disposition of Directives and moved to Island Parking Study from a date certain agenda and added the timeline concerning the audio and video upgrades timeline to the September 20<sup>th</sup> agenda.

**Adjournment**

COUNCILMAN CERRATO MADE A MOTION TO ADJOURN THE SEPTEMBER 6, 2016 COUNCIL MEETING. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR PRO-TEM SCOTT CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

**Town of Sunset Beach**

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**Carol Scott, Mayor Pro-Tem**

Submitted by:

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Lisa Anglin, Town Clerk